



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 6, 1993

Mr. Kevin W. Kapitan
Assistant City Attorney
Police Legal Advisor
City of Fort Worth
350 West Belknap, Room 204J
Fort Worth, Texas 76102

OR93-429

Dear Mr. Kapitan:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. art. 6252-17a. Your request was assigned ID# 19838.

The Fort Worth Police Department ("the department") received an open records request for "all records from the Fort Worth Police Department and the Gang Unit pertaining to [the requestor's juvenile son]/Sheri Hill and any other records pertaining to the alleged incident." You contend the requested documents come under the protection of, *inter alia*, section 3(a)(1) of the Open Records Act.

Section 3(a)(1) protects "information deemed confidential by law, either Constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 51.14(d) of the Family Code provides in pertinent part:

(d) Except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [pertaining to juveniles] are not open to public inspection nor may their contents be disclosed to the public, but inspection of the files and records is permitted by:

- (1) a juvenile court having the child before it in any proceeding;
- (2) an attorney for a party to the proceeding; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

Section 51.14(d) lists the persons or entities who may gain access to juvenile records; this section does not grant the law-enforcement officials controlling these documents discretion as to who else may see them. This is in contrast to other subsections in section 51.14 which allow "with leave of the juvenile court" inspection of other juvenile records by any person "with a legitimate interest." See Fam. Code §§ 51.14(a)(4), (b)(4). Although the Attorney General has held that provisions of section 51.14(d) are not violated by the release of general statistical law-enforcement data which provides no real opportunity for identification of the juvenile, see Attorney General Opinion H-529 (1975), law enforcement agencies must withhold detailed reports of alleged delinquent conduct. Open Records Decision No. 181 (1977). Accordingly, the department must withhold these records pursuant to Family Code section 51.14(d).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/jmn

Ref.: ID# 19838
ID# 19929
ID# 20718

Enclosures: Submitted documents

cc: W.C. Arnold, M.D.
801 West Seventh
Fort Worth, Texas 76104
(w/o enclosures)